



Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website.

20 October 2011

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Colombia: Police corruption, including involvement of police officers in drug-related criminal activity and the state response; procedures for filing complaints against police officers for corruption or inaction Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In Transparency International's 2010 Corruption Perceptions Index (CPI), Colombia ranks 78th out of 178 countries with a score of 3.5 on a scale of 0 (highly corrupt) to 10 (very clean) (TI 2010a, 2-3). The CPI ranks countries based on the perception of corruption in the public sector by drawing on business opinion surveys and other assessments (ibid. n.d.). For Colombia, information sources included IHS Global Insight, the World Economic Forum, the Institute for Management Development, and the Economist Intelligence Unit (ibid. 2010b).

The Colombian chapter of Transparency International, Transparency for Colombia (Corporación Transparencia por Colombia, CTC), developed a National Transparency Index (Índice de Transparencia Nacional, ITN) that measures the level of transparency and susceptibility to corruption of state bodies rather than specific acts of corruption; organizations at the national level are ranked on a scale of 0 (low levels of transparency and high levels of risk) to 100 (high levels of transparency and low levels of risk) (CTC n.d.). Among the 158 state bodies looked at in the 2008-2009 ITN was the National Police of Colombia (Policía Nacional de Colombia) (ibid.), which is under the jurisdiction of the Ministry of Defence (Ministerio de Defensa) (US 8 Apr. 2011, 8; Colombia 2011) and responsible for internal law enforcement (US 8 Apr. 2011, 8). The results gave the National Police a score of 82.6 out of 100, up 13.8 points from the 2007-2008 index (CTC July 2009).

Police corruption and involvement in drug-related activity

Sources note that some members of the National Police have been tolerating the activities of, and cooperating with, new illegal armed groups (US 8 Apr. 2011, 3; Human Rights Watch 3 Feb. 2010, 100). Like the former paramilitaries whom they have succeeded (Human Rights Watch 3 Feb. 2010, 28), these new groups are involved in activities such as drug trafficking and extortion (ibid.; UN 4 Mar. 2010, 13). In its 2010 *Country Reports on Human Rights Practices*, the United States (US) Department of State observed that "corrupt dealings" reportedly occurred between members of the National Police and illegal armed groups in the departments of Antioquia, Cordoba, Narino, Valle del Cauca, Choco, and Meta (8 Apr. 2011, 3).

Human Rights Watch reports that, based on interviews with locals, members of the National Police acquiesce to the criminal activities of the illegal armed groups in the city of Cucuta by turning a blind eye to drug trafficking and to the imposition of illegal curfews (3 Feb. 2010, 45). The organization also reports that the National Police stands by as the growing presence of illegal armed groups displaces residents in Medellin, and fails to protect civilians in Narino (ibid. 66, 105). The United Nations (UN) High Commissioner for Human Rights notes in his 2010 report to the Human Rights Council that the National Police has had "a permissive attitude" towards criminal gangs and illegal armed groups that have been recruiting children who live in three Medellin communes (numbers 5, 6 and 7) for prostitution, sexual slavery, drug trafficking and extortion (4 Mar. 2010, 25). In his 2011 report, the UN High Commissioner also notes that security forces use children for "intelligence work" and in "civic-military actions" (3 Feb. 2011, 15). El Mundo, a Medellin-based newspaper, reports that a representative of the High Commissioner in Colombia has documented cases of [translation] "the complicity and cooperation of some members of the National Police with criminals ... and their involvement in forced disappearances and torture of youths and children" (14 Apr. 2010).

In the same *El Mundo* article, the Ombudsman for Medellin was quoted as saying that he has received [translation] "many" complaints that police are in "'collusion with illegal groups, with the presence of places of vice, arms trafficking and the protection of certain groups in confrontation with other gangs'" (14 Apr. 2010). *Semana*, a Bogota-based news magazine, quotes an investigator for the Office of the Attorney General (Fiscalía General de la Nación) as saying that [translation] "'there is not an important criminal case in Medellin where the hands of corrupt police officers are not present'" (6 Mar. 2010). A prosecutor with the Office of the Attorney General is quoted by Human Rights Watch as saying that the "links

between the [illegal armed] groups and various state institutions, including law enforcement authorities and public security forces, are a serious problem" (3 Feb. 2010, 98).

Media sources report that in 2009 four police officers with links to the criminal organization "La Oficina" in the municipality of Itagui had been detained by authorities in Medellin (*El Colombiano* 19 Mar. 2010; *Semana* 6 Mar. 2010). One of the detainees was [translation] "the right hand of the highest ranking police officers in Medellin and Antioquia" and had access to information on operations against organized crime as well as the cell phone numbers of businessmen in Antioquia, the Mayor of Medellin, members of the media and the President of Colombia (*El Colombiano* 19 Mar. 2010). Verdad Abierta (Open Truth), an independent think tank that reports on Colombian paramilitaries and is sponsored by the Open Society Foundations and the Government of Canada (n.d.a), reports of the efforts of prosecutors to establish a convincing link between the former sectional director of the Office of the Attorney General for Medellin and the criminal group of "Don Mario" before the Criminal Chamber of the Supreme Court (7 Feb. 2011). The court reportedly found the man guilty and condemned him to 15 years in prison (*El Tiempo* 10 Mar. 2011).

Agencia EFE, a Spanish-language news agency, reports the detention of army officers accused of working in drug trafficking in Narino and Valle del Cauca for the criminal organization "Los Rastrojos" (14 Oct. 2010). Media sources also report the detention of 37 persons, of which seven were police officers, two were investigators with the Corps of Technical Investigators (Cuerpo Técnico de Investigaciones, CTI), and two were army officers accused of working for Los Rastrojos in the department of Choco (*El Espectador* 30 May 2011; *El Tiempo* 30 May 2011). In June 2011, *El Tiempo* reported the detention of 15 police officers in Bogota, San Andres, Bucaramanga and Cali accused of assisting Los Rastrojos and Los Paisas in the shipment of cocaine to Central America (8 June 2011). According to investigators with the Office of the Attorney General, the series of detentions [translation] "demonstrate the corrupting power of these [criminal] organizations and, in the case of 'los Rastrojos,' that they are expanding to many other regions" (*El Colombiano* 31 May 2011).

Police use of force

Sources report cases of excessive use of force by the National Police (UN 3 Feb. 2011, 7; US 8 Apr. 2011, 2-3). The UN reports provide accounts of police and army involvement in torture; sexual violence; and discrimination against lesbian, gay, bisexual and transgender persons (UN 3 Feb. 2011, 15, 23); as well as allegations of their involvement in forced disappearances (ibid. 4 Mar. 2010, 12, 26) and extrajudicial executions (ibid. 31 Mar. 2010, 17). The US Department of State also observes that the police force has been involved in "unlawful killings," torture of detainees, and cases of arbitrary detentions (8 Apr. 2011, 3, 6, 8). The UN High Commissioner states that the data on torture and other cruel, inhuman and degrading treatment in Colombia "do not seem to reflect either the magnitude or real impact of the problem" (4 Mar. 2010, 11).

Semana reports that in 2009, members of the National Police in Antioquia were charged with the detention, execution, dismemberment and disappearance of a gang member and three young women (25 July 2009). The Inter-American Commission of Human Rights (Comisión Interamericana de Derechos Humanos, CIDH), following a fact-finding visit to Colombia in November 2008, points out that security forces have been colluding with illegal armed groups to forcibly displace people in the Department of Choco or prevent them from returning to their lands (CIDH 20 Feb. 2009).

Verdad Abierta also reports the assassination of Ana Fabricia Cordoba, a Colombian advocate for displaced people in Medellin (n.d.b). According to the Judical Freedom Corporation (Corporación Jurídica Libertad, CJL), a non-governmental organization based in Medellin (CJL 24 Feb. 2009), Ana Fabricia accused the National Police of [translation] "'committing acts of torture and cruel, inhuman and degrading treatment against youths in [a neighbourhood in Medellin], including one of her sons'" (qtd. in Verdad Abierta n.d.b). The death of the "outspoken" activist became international news when it was reported in the London-based *Guardian* newspaper in 2011 (13 June 2011). *El Tiempo* reports that the Director of the National Police has turned investigation of this case over to the Criminal Investigation Directorate and Interpol (Dirección de Investigación Criminal e Interpol, DIJIN) (9 June 2011), the unit within the National Police that is responsible for responding to complaints about the police (Colombia n.d.f).

State response

After the detention of 17 police officers for various crimes, including drug-related offences, General Óscar Naranjo, Director of the National Police, was quoted by *El Espectador*, a Bogota-based newspaper, as saying that [translation] "'we will act with rigour, with all severity, and we will submit to ... justice those who deviate from their obligations, through crime or misdemeanours, so that citizens have trust in the institution'" (9 June 2011).

The Inspector General of the National Police (Inspección de la Policía Nacional) is authorized to discipline the police and has offices in each of the departments in Colombia (Colombia n.d.g). In 2011, it initiated 4,964 disciplinary investigations, fired 343 police agents, suspended 375 others and fined 587 (*El Tiempo* 8 June 2011).

According to Freedom House, judges and prosecutors in Colombia face "serious risks when investigating powerful figures" (17 June 2011). Human Rights Watch notes that "[w]ith few exceptions, the government has failed to take effective measures to identify, investigate, and punish state officials who tolerate [new illegal armed groups]" (3 Feb. 2010, 10). The US State Department also observes that "claims of impunity continued to be widespread, due in some cases to obstruction of justice, a lack of resources for investigations and protection for witnesses and investigators" (8 Apr. 2011, 9).

Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Procedures for filing complaints against police officers

Complaints against the National Police can be lodged in person at the office of the Inspector General in Bogota or by telephone (Colombia n.d.a). The National Police website also has electronic forms for filing complaints either anonymously

(ibid. n.d.b), or by being identified (ibid. n.d.c). Complaints about human rights violations by members of the security forces can also be sent directly to the General Director of the National Police (ibid. n.d.a).

The website for the Government of Colombia's Presidential Program for the Modernization, Efficiency, Transparency and Fight Against Corruption (Programa Presidencial de Modernización, Eficiencia, Transparencia y Lucha contra la Corrupción) further indicates that citizens can file complaints of crime or corruption committed by public servants at the Attorney General's Office (Fiscalía General de la Nación) and the General Prosecutor's Office (Procuraduría General de la Nación) (Colombia n.d.d). The Office of the Ombudsman (Defensoría del Pueblo) also receives complaints of human rights violations in person or by telephone, mail or e-mail (ibid. n.d.e).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives from the following organizations were unsuccessful: Corporación Nuevo Arco Iris, Corporación Transparencia por Colombia, Defensoría del Pueblo, Personería de Medellín, Policía Nacional de Colombia, Procuraduría General de la Nación, Universidad Nacional de Colombia, and Universidad de Antioquia.

Internet sites, including: Amnesty International, Asociación de Familiares de Detenidos Desaparecidos, Comisión Colombiana de Juristas, European Country of Origin Information Network, Fiscalía General de la Nación, Movimiento de Víctimas de Crímenes de Estado, United Nations Refworld.

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